

Appl. No.: 09/745,289
Amdt. Dated June 24, 2008
Reply to Office Action of April 2, 2008

REMARKS/ARGUMENTS

This response is submitted in reply to the Office Action dated February 9, 2007. Claims 1, 2, 5-14, 16-18 and 20-53 currently stand rejected and are the only claims pending in the present application. Applicants respectfully traverse.

In light of the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §103

Claims 1, 5-14, 16-18 and 20-53 stand rejected under 35 U.S.C. §102(e) as being anticipated by Tuli (U.S. Patent No. 7,289,244, hereinafter “Tuli ‘244”).

As an initial matter, Applicants respectfully note that the filing date of Tuli ‘244 is June 14, 2001, which is after the filing date of the present application. However, Tuli ‘244 claims priority as a continuation-in-part from U.S. Patent No. 7,068,381, which was filed on February 20, 2000. Thus, Tuli ‘244 is only prior art with respect to the present application for the subject matter that was first disclosed by U.S. Patent No. 7,068,381 and not subject matter first added Tuli ‘244.

Applicants respectfully submit that much of the subject matter cited in the Office Action from Tuli ‘244 is not supported in U.S. Patent No. 7,068,381 and is therefore not prior art for the present application. Specifically, the citations provided from Tuli ‘244 as corresponding to the claimed feature assembling subdocuments from segments conforming to an algorithm that tends to balance the respective sizes of the subdocuments, which is either recited explicitly or set forth generally in each of the independent claims of the present application in relation to providing subdocuments of equal size or length, are not supported in U.S. Patent No. 7,068,381.

Furthermore, even if the cited portions of Tuli ‘244 were supported by the disclosure of U.S. Patent No. 7,068,381, the cited portions of Tuli ‘244 (and indeed all of Tuli ‘244) still fails to teach or suggest assembling subdocuments from segments conforming to an algorithm that tends to balance the respective sizes of the subdocuments as generally set forth in the independent claims of the present application. Applicants also respectfully note that, although

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not cited as prior art against the present application, U.S. Patent No. 7,068,381 also fails to teach or suggest the recited features of the claimed invention.

For at least those reasons given above, Applicants respectfully submit that the claimed invention is patentable over Tuli '244. Thus, the rejections of claims 1, 5-14, 16-18 and 20-53 are overcome.

Claim Rejections - 35 USC §103

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tuli '244 in view of Borger et al. (U.S. Patent Application Publication No. 2002/0123334, hereinafter "Borger").

Borger is merely relied upon for the proposition that XML is well known. Borger fails to cure the above noted deficiencies of Tuli '244 and is not cited as such. Thus, any combination of Borger and Tuli '244 also fails to render the independent claims of the present application obvious.

Claim 2 depends directly from independent claim 1, which generally sets forth the underlined subject matter described above with respect to balancing the respective sizes of subdocuments, and thus includes all the recitations of independent claim 1. Therefore, dependent claim 2 is patentable for at least the same reasons given above for independent claim 1.

Accordingly, Applicants respectfully submit that the rejection of claim 2 is overcome.

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CONCLUSION

In view of the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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